

Summary of Licensing Sub-Committee Decision(s) taken on 13 January 2022

Part I

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on 13th January 2022 and resolved to approve in part **Application 21/01001/LQN** in respect of a variation to an existing premise licence **19/00975/LQN** at Spoons Coffee Shop Ltd, Unit 7, the Colonnade, Overdown Road, Tilehurst, Reading, RG31 6PR subject to conditions which are set out below.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and West Berkshire Council's Statement of Licensing Policy.

The Applicant did not attend the hearing and had informed the Licensing Authority that they did not intend to attend or be represented at the hearing. The Sub-Committee considered this and the fact they may proceed in the Applicant's absence. The Sub-Committee exercised their discretion to proceed with the hearing in the circumstances.

The Licensing Sub-Committee considered the Application and the written representations the Applicant made therein.

The Sub-Committee considered written representations from the Objector, Tilehurst Parish Council, and heard oral representations made by:

1. The Objector: Councillor Clive Taylor and Miss Jacky Major of Tilehurst Parish Council
2. Ward Councillor: Councillor Rick Jones

Decision

Having taken all representations into account, the Licensing Sub-Committee **RESOLVED** that **Application 21/01001/LQN** be granted in part and **Premises Licence 19/00975/LQN** be varied, but in accordance with the operating schedule set out below, and subject to the existing licence conditions and any relevant mandatory conditions pursuant to ss19-21 of the

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Licensing Act 2003. The part of the Application to include late night refreshment was rejected.

Operating Schedule

Box F: Recorded Music

Monday to Saturday 07:00 – 23:00
Sunday 09:00 – 22:00
Indoors only

Box J: Supply of Alcohol

Monday to Saturday 07:00 – 23:00
Sunday 09:00 – 22:00
On premises

Box L: Hours premises are open to the public

Monday to Saturday 07:00 – 23:00
Sunday 09:00 to 22:00

Reasons

The Sub-Committee carefully considered the Application and noted that the premises is currently being used during the day as a coffee shop. The Applicant would like to open the premises in the evenings and Sundays to provide a restaurant/bistro. To this end, the Application sought to vary the existing premises licence in respect of supply of alcohol, which was permitted 07:00 – 16:00 Monday to Friday and 08:00 – 13:00 Saturday on and off premises, to 07:00 – 00:00 Monday to Saturday and 09:00 – 23:00 Sunday on premises only. The variation also included a request for additional licensable activities in the form of recorded music and late night refreshment in accordance with the extension of hours sought, as applicable. With reference to the Application and plan, supply of alcohol and recorded music would be indoors only. The part of the Application related to late night refreshment sought to extend the premises to provide this outdoors (outside the area delineated in the premises plan attached to the existing licence).

The Sub-Committee considered the representations made by Tilehurst Parish Council, who confirmed at the hearing their objection related to the prevention of public nuisance licensing objective. Namely, there were concerns around the level of noise nearby residents would be exposed to, especially noise generated outdoors.

The Sub-Committee took into account the oral representations of the Ward Councillor, who had visited the premises and spoken to the Applicant prior to the hearing, and found those representations informative.

No Responsible Authorities had objected to the Application, including Environmental Health, who are a key source of information in relation to public nuisance. The Sub-Committee

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disregarded information which was not relevant to the Application and the promotion of the licensing objectives, such as matters related to the planning regime.

The Sub-Committee considered the specific location of the premises, together with the features and characteristics of the premises, the Applicant's business and the community it serves. It was noted from the Application that the Applicant did not intend to take any additional steps, beyond those contained in the existing licence, to promote the licensing objectives as a result of the proposed variation. Therefore, there was no information from the Applicant pertaining to extra measures they would be able to take to manage noise, in particular at night-time. For example, a noise management plan was not provided.

The Sub-Committee assessed the evidence and considered the risks and benefits. The Sub-Committee decided that it would be appropriate for the promotion of the licensing objectives to grant the Application in part, but with licensable activities ending at different hours to the hours sought; 23:00 Monday to Saturday and 22:00 Sunday. For the same reasons, the proposal for late night refreshment was rejected. The Sub-Committee considered an earlier end-time by one hour at night, to the hours applied for, was suitable for this premises, and a reasonable and proportionate step to ensure the licensing objective of prevention of public nuisance was not undermined. The Sub-Committee was satisfied with the conditions already in place and having taken into account the track record of the business to date; there was no reason to modify other licence conditions.

In reaching its decision, the Sub-Committee noted that the Council as Licensing Authority must determine each application under the Licensing Act 2003 on its own merits, and every decision must be both justified and proportionate based on the available evidence and in accordance with the Statutory Guidance and the Council's Licensing Policy.

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